

Remarks

Claims 1 - 33 remain pending. Reconsideration of the rejections at an early date is requested.

Claims 1-6, 11-22 and 27-33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolas (U.S. Publication No. 2004/0252816) in view of LaMedica, Jr. (U.S. Patent No. 7,024,161). Claims 7-10 and 23-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolas in view of LaMedica, Jr., and further in view of Nakamura (U.S. Patent No. 5, 943, 617).

Applicants respectfully present two significant arguments that the examiner's obviousness objection in relation to claim 1 is not well made. The first argument is that the mapping of features described in Nicolas to the features of claim 1 is incorrect, and the second argument is that combining features disclosed in Nicolas with features defined in La Medica, Jr. to arrive at the invention defined in claim 1 is inappropriate.

With regard to the first of these arguments, the examiner relies on reading both the "test data" and the "user interface" defined in the claim onto the software program described in Nicolas. It may be arguable that the software program described in Nicolas can be considered to generate a user interface. However, the meaning of the term "test data" in the claim does not extend to the software program described in Nicolas.

The natural meaning of the term "test data" clearly defines a piece of information processed by a software program rather than the software program itself. In normal usage of the terms in the technical field, and indeed in everyday language, "computer hardware" runs "computer software" to process "data". This language could hardly be better established.

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Nicolas in fact does not describe anything equivalent to the “test data” recited in claim 1. The only data handled by the software program in Nicolas is the sample survey data, which the examiner maps to the query data of claim 1.

In addition, the claim requires that the test data is “output by the mobile device” and that the user interface displays queries which “concern the expected output of the test data by the mobile device”. The examiner concedes that the second of these features is not disclosed in Nicolas, but it is submitted that no data output from the mobile device is disclosed in Nicolas other than the survey data.

This argument is reinforced by the examiner’s comment in the Response to Arguments that the software program of Nicolas “maps to the claimed ‘test data’ and ‘further allows the readout of the sample survey questions’” (emphasis added), which illustrates a misunderstanding of Nicolas. The implication here is that the software program in Nicolas is described as having two functions, which is incorrect.

With regard to the second argument, La Medica Jr. describes a specialized apparatus including a speaker, microphone and video camera, adapted to monitor and control a mobile device while it is tested from a remote location. This is technically incompatible with the teaching of Nicolas, as it is not possible for survey questions to be displayed by the mobile device according to the teaching of Nicolas at the same time as the device is being controlled to perform test operations according to the teaching of La Medica Jr.

In the Response to Arguments, the examiner’s suggestion that “the survey questions would be about how the special program is displaying the survey questions” is not found in any teaching found in the cited documents, and is an improper extrapolation by the examiner. In any event, such a notion would be dismissed by one of ordinary skill in the art, as a technique for testing the operation of a mobile device that relies on the very aspects of operation of the mobile device that are being tested for returning the results is inherently flawed. For example, how

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could it be known that the device would properly display a survey question about the capabilities of the device's display before that very survey question has been answered?

In view of the above, we believe it is clear that claim 1 is not obvious in view of the cited prior art. Similar considerations apply to independent claims 7, 17 and 33, while the dependent claims incorporate the subject matter of these claims and are therefore also novel and non-obvious.

Therefore, allowance of all pending claims at an early date is respectfully requested.

A Credit Card Payment is being submitted via EFS-Web authorizing payment in the amount of \$1920.00, representing \$1110.00 for a large entity under 37 C.F.R. § 1.17(a)(3) for a three-month extension and the fee for a Request for Continued Examination of \$810.00. A Request for Extension of Time and Request for Continued Examination are enclosed. This amount is believed to be correct, however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,



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